

EXHIBIT

B

1

1

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 ----- x

5 RINALDO RIZZO,

6 PLAINTIFF,

7 Docket: 13 CIV 8664

8 -against-

9 DF LAND LLC, GLENN DUBIN, individually, EVA

10 DUBIN, individually, and BRENDA AMES,

11 individually,

12

13 DEFENDANT.

14 ----- x

15

16 DEPOSITION of the DEFENDANT, GLENN DUBIN,

17 taken by the PLAINTIFF, pursuant to NOTICE, held at

18 the offices of BARRISTER REPORTING SERVICE, INC., 80

19 Broad Street, New York, New York, on July 16th, 2015

20 at 10:03 a.m., before a Notary Public of the State of

21 New York.

22

23 *****

24

25

1 G. Dubin

2 Q Is the property in North Salem, New
3 York owned by DF Land?

4 A I don't know the exact legal entity
5 that owns the property.

6 Q What entity employed Mr. Rizzo?

7 A I believe DF Land.

8 Q The purpose of his employment was
9 to manage the North Salem property, right?

10 A That was his primary
11 responsibility, yes.

12 Q Did DF Land have any other purpose,
13 aside from managing the North Salem property?

14 MR. SALINS: Object to the
15 form.

16 A I don't know.

17 Q Who would know that?

18 A My current general counsel.

19 Q During the time that Brenda Ames
20 was employed by your company or by you, would
21 she have known?

22 A Yes.

23 Q As an estate manager, what were
24 Mr. Rizzo's duties?

25 A I think we provided you with a job

1 G. Dubin

2 form.

3 A Not that I recall, other than the
4 fact, again, that he would be available when
5 the family was in residence over weekends.

6 Q When you say oversee the physical
7 property, was that the entire property or is
8 that a subsection of the property?

9 A That's the entire property.

10 Q What does that entail?

11 A That entails overseeing the staff
12 at the property, that entails interacting
13 with service providers to the property, that
14 entails being a representative for the family
15 to the community. I think that's generally
16 it.

17 Q The staff that Mr. Rizzo was
18 supposed to oversee, who was that staff?

19 A There were a couple that were
20 responsible for the horses on the property,
21 Enrique and Sara, and there was a property
22 manager, Don Carr. There was a number of
23 landscaping individuals that worked alongside
24 of Don Carr.

25 Q Did Mr. Rizzo also oversee the work

1 G. Dubin

2 that Guima did?

3 A Yes, she was a housekeeper,
4 part-time housekeeper. G-U-I-M-A.

5 Q Aside from the individuals you just
6 listed, are there any other staff that
7 Mr. Rizzo would have been overseeing?

8 A Not that I recall.

9 Q Did you oversee any of the work
10 that the au pairs did?

11 MR. SALINS: Objection.

12 A Again, when the family was in
13 residence, we would have au pairs with us
14 typically.

15 Q How many au pairs did the family
16 employ?

17 A Just one.

18 Q One at a time?

19 A Yes.

20 Q Earlier when we were talking about
21 the number of employees that the different
22 entities had, did you include the au pair in
23 any of those estimates?

24 A No.

25 Q Did Mr. Rizzo manage or was he

1 G. Dubin

2 supposed to manage the individuals that you
3 listed as having responsibilities to oversee?

4 MR. SALINS: Object to the
5 form.

6 A Mr. Rizzo was my representative
7 since I wasn't on the property during the
8 week when those other people were there.

9 Q Did he have supervisory authority
10 over Don Carr?

11 A I wouldn't call it supervisory
12 authority, no.

13 Q What about the Reyeses?

14 A No.

15 Q Guima?

16 A I would refer to it more as
17 oversight.

18 Q Ensuring that they did the things
19 that you wanted them to do?

20 A Correct.

21 Q Did Don Carr report to Mr. Rizzo?

22 A No.

23 Q What about the Reyeses?

24 A No.

25 Q Did anybody report directly to

1 G. Dubin

2 Mr. Rizzo, to your knowledge?

3 A No.

4 Q Who did Mr. Rizzo report to?

5 A Brenda.

6 Q Did he report to you also?

7 A No.

8 Q You said earlier that Mr. Rizzo was
9 required to interact with service providers.

10 What did that entail?

11 A That entails service providers to
12 the property.

13 Q What would that include?

14 A Contractors, electricians, tennis
15 court preparation, pool, third party
16 providers to the estate.

17 Q As part of Mr. Rizzo's employment,
18 was he required to live on the premises?

19 A I wouldn't refer to it as required.
20 It was a benefit of the job to live on the
21 property.

22 Q If he had wanted to live off the
23 property, would that have been acceptable?

24 A Yes.

25 Q Was it part of the negotiation that

1 G. Dubin

2 he move into the house or accept that?

3 A There was no negotiation.

4 Q There was no negotiation of the
5 terms of his employment?

6 A The financial terms of his
7 employment, there was no negotiation about
8 where he would live.

9 Q You said earlier that Mr. Rizzo is
10 required to represent the family to the
11 community. Can you tell me what that means?

12 A Well, again, we are not in
13 residence, so if there was a need to call the
14 town about the road not being plowed, if
15 there was a need to call the town about the
16 electricity being down, Mr. Rizzo's
17 responsibility was to get in touch with the
18 appropriate town supervisor.

19 Q Was Mr. Rizzo authorized to make
20 statements to anyone outside of third party
21 contractors or to get those types of things
22 done on behalf of the family?

23 A Nothing other than what I just
24 described.

25 Q Was he permitted to enter into

1 G. Dubin

2 contracts on behalf of your family, without
3 first gaining approval from you?

4 MR. SALINS: Object to the
5 form.

6 A No.

7 Q Co-sign contracts on behalf of you
8 personally?

9 MR. SALINS: Objection.

10 A Not to my knowledge.

11 Q Co-sign contracts on behalf of DF
12 Land?

13 A Not to my knowledge.

14 Q Who was authorized to do those
15 things?

16 A Brenda Ames.

17 Q When you were discussing job duties
18 that Mr. Rizzo had earlier, you said that he
19 was required to manage staff. Aside from
20 what we have discussed, what you described as
21 overseeing staff, were there any other
22 management duties that Mr. Rizzo had?

23 A No, I would refer to it, I think
24 the more appropriate word was oversee staff,
25 not manage staff.

1 G. Dubin

2 Q Then you said that he was also
3 required to provide services to the family.
4 What services was he required to provide to
5 the family?

6 A It could be anything from picking
7 up somebody at the train station, to driving
8 my daughter to a soccer game, to cooking a
9 hamburger for lunch when the chef wasn't
10 working.

11 Q Anything else?

12 A No.

13 Q Was he required to clean?

14 A No.

15 Q Was he required to travel with the
16 family at times?

17 A Yes.

18 Q When he traveled with the family,
19 did he have other responsibilities than what
20 you have mentioned here?

21 A When he traveled with us to
22 Florida, the house was under construction and
23 so he would interact with the contractor.

24 Q Was he also responsible for
25 overseeing the contracts with third parties

1 G. Dubin

2 for the Florida property?

3 A No.

4 Q What were his responsibilities in
5 Florida?

6 A As it relates to the construction
7 project in Florida?

8 Q Just whenever he had to travel to
9 Florida, what was he required to do while he
10 was there, as part of his job?

11 A It could be anything, service for
12 the family. It could be, again, cooking a
13 hamburger when the chef was off. It could be
14 driving to the airport to pick somebody up.
15 It could be meeting with a third party
16 service provider to oversee the cutting of
17 the lawn.

18 Q Was Mr. Rizzo ever required to do
19 any cleaning for the family, while they were
20 in Florida?

21 A No.

22 Q What about any other housekeeping
23 duties?

24 A No, we have housekeepers there.

25 Q If a housekeeper was unable to be

1 G. Dubin

2 there for a shift, was Mr. Rizzo asked to
3 fill in?

4 A No.

5 Q Never?

6 A No.

7 Q Was he required to be a server
8 during house parties?

9 A It is possible.

10 Q It is possible or it happened?

11 A I don't recall, but certainly that
12 would be, in my mind, within his job
13 responsibilities.

14 Q Did Mr. Rizzo also interact with
15 tutors and coaches for your kids?

16 MR. SALINS: Objection.

17 A No.

18 Q Was he required to find tutors and
19 coaches for your kids?

20 A No.

21 Q Was he required to schedule them?

22 A He might have been, yes.

23 Q He interacted with them to
24 schedule?

25 A Yes.

1 G. Dubin

2 A Yes.

3 Q It is something that would have
4 fallen within your understanding of his job
5 duties?

6 MR. SALINS: Objection.

7 A It is something that -- no, it
8 wouldn't be specifically within the job
9 duties.

10 Q Is it something that you could have
11 asked him to do as part of his job though?

12 MR. SALINS: Objection.

13 A Possibly, but unlikely.

14 Q Was he also required to assist in
15 preparations for travel, make sure that all
16 of the amenities that you required during
17 your travel were there?

18 A Yes.

19 Q Was he responsible for interacting
20 with the flight crew and staff to make sure
21 they were ready to go when you were ready to
22 go?

23 A No, that was not his
24 responsibility.

25 Q Whose responsible was that?

1 G. Dubin

2 A Yes.

3 Q Did he also provide that type of
4 service in Colorado?

5 A No.

6 Q Was Mr. Rizzo ever required to
7 travel to Colorado with the family?

8 A Yes.

9 Q When he did, what were his duties?

10 A To assist the ranch manager.

11 Q When he was there, he reported
12 directly to the ranch manager?

13 MR. SALINS: Objection.

14 A I wouldn't refer to it as
15 reporting, he worked alongside of.

16 Q Who gave him assignments while he
17 was in Colorado?

18 A The ranch manager, my wife, or
19 myself.

20 Q Do you know what types of duties
21 Mr. Rizzo was required to do in Colorado?

22 A Yes, similar to what his
23 responsibilities would be in North Salem. To
24 assist the family, to pick somebody up at the
25 airport if they flew in, to help out with

1 G. Dubin

2 MR. SALINS: Objection.

3 A Generally.

4 Q Did anyone else have the ability to
5 give Mr. Rizzo assignments?

6 MR. SALINS: Objection.

7 A Yes.

8 Q Who else?

9 A My wife.

10 Q And Miss Ames, right?

11 A Yes.

12 Q Aside from the New York City
13 apartment, Colorado and Florida, was there
14 any other location that Mr. Rizzo was
15 required to travel, as part of his
16 employment?

17 A Not that I recall.

18 Q What was your opinion of
19 Mr. Rizzo's work product during the time that
20 he worked as an estate manager for you?

21 A It was subpar.

22 Q From the beginning?

23 A No, it got worse over time.

24 Q What were the problems that you had
25 with Mr. Rizzo's work product?

1 G. Dubin

2 that I believe you referenced earlier during
3 your testimony that described the duties of
4 the estate manager?

5 A Yes, the two documents that you
6 just showed me, the employment agreement and
7 this document.

8 Q Does this accurately reflect
9 Mr. Rizzo's job duties?

10 A Yes.

11 Q Do you know if he was ever asked to
12 do anything that's not on this list?

13 MR. SALINS: Objection.

14 A It is quite possible that he would
15 have been asked to do something that's not
16 specifically on the list, yes.

17 Q Do you know what he was asked to
18 do?

19 MR. SALINS: Objection.

20 A No.

21 Q Did you ever ask him to do anything
22 that's not on this list?

23 MR. SALINS: Objection.

24 A I might have.

25 MR. ROSE: What is the